

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JUAN ALFONSO NUNO VELASCO,

Case No. 3:13-cv-00431-MMD-VPC

Petitioner,

ORDER

v.

RENEE BAKER, et al.,

Respondents.

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. Petitioner has paid the filing fee for this action. (Dkt. no. 4.)

A district court may appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require . . ." 18 U.S.C. § 3006A(a)(2)(B). Counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). The petition in this case is written entirely in Spanish. It appears that, without the assistance of counsel, petitioner cannot adequately litigate this action. Therefore, the Court appoints counsel to represent petitioner in this action. The Federal Public Defender for the District of Nevada (FPD) shall be appointed to represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of interest or other reason,

1 then alternate counsel for petitioner shall be located, and the Court will enter a separate
2 order appointing such alternate counsel. In either case, counsel will represent petitioner
3 in all future federal proceedings relating to this matter (including subsequent actions)
4 and appeals therefrom, unless allowed to withdraw.

5 It is therefore ordered that the Clerk of Court shall electronically serve the
6 Federal Public Defender for the District of Nevada (FPD) a copy of this order, together
7 with a copy of the petition for writ of habeas corpus and its attachments (dkt. no. 1-1).
8 The FPD shall have thirty (30) days from the date of entry of this order to undertake
9 direct representation of petitioner or to indicate to the Court its inability to represent
10 petitioner in these proceedings.

11 It is further ordered that the Clerk of Court shall send a copy of this order to the
12 CJA Coordinator.

13 It is further ordered that, after counsel has appeared for petitioner in this case,
14 the Court will issue a scheduling order, which will, among other things, set a deadline
15 for the filing of a first amended petition.

16

17 DATED THIS 30th day of September 2013.

18
19
20 MIRANDA M. DU
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28